

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
and	)	
	)	
AHMET DEMIRELLI	)	
	)	
Plaintiff-Intervener,	)	
	)	
vs.	)	Case No. 4:04CV00846 CAS
	)	
CONVERGYS CUSTOMER MANAGEMENT	)	
GROUP, INC.,	)	
	)	
Defendant.	)	

**JOINT STIPULATION OF UNCONTESTED FACTS**

1. Yigit Demirelli is an individual with a disability within the meaning of the Americans with Disabilities Act.
2. Yigit Demirelli filed Charge of Discrimination No. 280-2003-01562 against Convergys on September 3, 2002.
3. The Equal Employment Opportunity Commission notified Convergys of Charge No. 280-2003-01562 by mailing a Notice of Charge of Discrimination on September 9, 2002.
4. The Equal Employment Opportunity Commission issued a Determination finding reasonable cause as to Demirelli's Charge of Discrimination on September 30, 2003.
5. The Convergys facility in Hazelwood, Missouri serves as an in-bound call center handling calls from customers of Convergys' clients. For example, if a company set up a "1-800" number for customers to participate in a promotion or for customer service assistance, Convergys is contracted by that company to accept those in-bound calls.
6. Demirelli was hired by Convergys on January 15, 2001.
7. On January 15, 2001 Demirelli received a copy of Convergys' Associate Guide, which contains Convergys' employment policies, practices and procedures.

8. At all relevant times, under Convergys' Attendance Policy, customer service agents received a thirty (30) minute meal break.
9. At all relevant times, under Convergys' Attendance Policy, customer service agents received a three-minute grace period when arriving at work and returning from meal breaks.
10. Demirelli remained on Convergys' premises for meal breaks.
11. On November 1, 2001 Demirelli received a verbal warning for tardiness.
12. On March 15, 2002 Demirelli received a written warning for incurring one No Call/No Show.
13. On April 18, 2002 Demirelli received a written warning for tardiness.
14. On April 18, 2002, Demirelli received a written warning for absenteeism.
15. At all relevant times, Convergys Corporation has employed more than 500 employees.
16. Yigit Demirelli was terminated on June 27, 2002 for excessive tardiness.
17. Upon his termination Demirelli completed an Exit Interview form, on which he wrote:

I fully realize that I have been less than perfect with my time management here at Convergys. However, I must point out certain factors that contributed to my tardiness. First offhand, as I have stated to my superiors before, most of my tardies were caused due to lack of accessible/handicapped parking spaces. I have even changed my schedule from 3 pm-11 pm to 4:30 pm - 1 am so that I might find vacant spots as the 4 pm shift leaves. Correspondingly, after my first manager (Loretta Hill) left Convergys I was left unsupervised, without a manager for a period of two months. Thus, there was no one to give me a verbal warning so that I would have a chance to stop my tardies. Thus, because of the reasons I have listed above I feel I have been wrongly terminated. I would also like to state that I fully contributed all of my talents/skills to the clients of this company in order to resolve their problems. While I disagree with the decision of the HR dept I want to express I have enjoyed fully working here and interacting with my colleagues. I kindly request that you reconsider your decision.
18. At all relevant times, Team Leaders at Convergys' Hazelwood facility were supervisors.

19. All documents produced by the parties during discovery are authentic.
20. Yigit Demirelli's gross earnings from Convergys were \$17,302.53 in 2001 and 10,577.22 in 2002.
21. Plaintiff Equal Employment Opportunity Commission has satisfied all jurisdictional prerequisites to this suit.

Respectfully Submitted,

LAMPIN, KELL, FAGRAS, LINSON,  
CUSTER & STAEBELL

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

ROBERT G. JOHNSON  
Regional Attorney

/s/ Michael J. Fagras  
Michael J. Fagras, ARN 52285

/s/ Barbara A. Seely  
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